

Attorney Docket No. 52493.000369

Application. No. 10/777,728

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JAN 29 2007

Claims 1-24 are pending in the application. This response includes amendments to claims 21-24 and the Abstract. Support for these amendments may be found at least on page 17, paragraph 055 of the instant application.

Applicants have carefully reviewed the Office Action ("Action") mailed September 27, 2006. Applicants respectfully request reconsideration of this application in view of the following remarks.

1. Response to the Objection to the Abstract

On pages 2-4, the Action objects to the Abstract for being too long. Applicants have amended the Abstract to be less than 150 words, as suggested in the Action. Applicants respectfully request that the objection be withdrawn.

2. Response to the Rejection under 35 U.S.C. § 101

On pages 4-5, the Action objects to claims 21-24 under 35 U.S.C. § 101 alleging that these claims are directed to non-statutory subject matter. Claim 21 has been amended to recite "~~At least one processor readable carrier for storing a~~ A computer program of instructions embodied on a tangible media configured to be readable by at least one processor." Similar amendments have been made to claims 22-24. Support for these amendments may be found at least on page 17, paragraph 055 of the instant application. The amendments to claims 21-24 reciting a computer program embodied on a tangible media conforms with the requirement of 35 U.S.C. § 101 in light of current case law. Specifically, In Re Beauregard, 53 F.3d 1583, 35 USPQ2d 1383 (Fed. Cir. 1995) held that computer programs embodied in a tangible medium are

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patentable subject matter under 35 U.S.C. § 101. Accordingly, Applicants respectfully request that the rejection of claims 21-24 under 35 U.S.C. § 101 be withdrawn.

3. Response to the Rejection under 35 U.S.C. § 112

A. *Rejection under 35 U.S.C. § 112, First Paragraph*

On page 5, the Action rejects claims 21-22 under 35 U.S.C. § 112, first paragraph, alleging that these claims are directed to "a processor readable carrier, which is a signal. A signal cannot store a computer program."

The amendments to claims 21-22, discussed above, render this argument moot. Accordingly, Applicants respectfully request that the rejection of claims 21-22 under 35 U.S.C. § 112, first paragraph, be withdrawn.

B. *Rejection under 35 U.S.C. § 112, Second Paragraph*

On pages 5-6, the Action rejects claims 23-24 under 35 U.S.C. § 112, second paragraph, alleging that because the preamble recites a "computer processor in the preamble," the Examiner is not sure what Applicants are attempting to claim: "a process or an apparatus." Claims 23-24 have been amended to replace "means" with "step" to clarify that the claims are directed to a computer process. Accordingly, Applicants respectfully request that the rejection of claims 23-24 under 35 U.S.C. § 112, second paragraph, be withdrawn.

4. Response to the Rejection under 35 U.S.C. § 103(a)

On pages 6-8, the Action rejects claims 1-24 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,449,624 to Hammack et al. ("Hammack") in view of U.S. Pat. App. Pub. No. 20004/0143791 to Ito et al. ("Ito"). Applicants respectfully traverse this rejection.

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A. Request for Clarification of the Rejection of Claim 1

On page 6, the Action rejects the claim elements of "saving data as a plurality of software components at a server" as allegedly being disclosed by the "data stored in configuration database 100 in FIG. 4 of Hammack (col. 8, lines 47-50 of Hammack)." See Action, p. 6.

Applicants are unclear as to what the Office is interpreting in Hammack as disclosing the claimed "plurality of software components." Clarification is respectfully requested in the forthcoming Office Action.

B. Response to the Rejection of Claims 1, 11, and 23

Applicants respectfully traverse the rejection of claims 1, 11, and 23 as the Action fails to establish a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

For at least the following two reasons, the Action does not establish a *prima facie* case of obviousness to reject claims 1, 11, and 23 based on Hammack and Ito, alone or in combination, because the cited references do not disclose each and every claim element recited in these claims.

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Claim 1 recites:

A method for storing data entered by a user in a remote relational database, the method comprising the steps of:

 saving data as a plurality of software components at a server;

 converting the plurality of software components into a first string and a second string wherein the first string comprises a markup language format that substantially mimics the software components and the second string comprises a serialized string format of the plurality of software components;

 compressing the first string and the second string;

 transmitting the compressed first string and the compressed second string to a receiving server; and

 storing the compressed first string and the compressed second string in a relational database.

Claims 11 and 23 recite similar claim features. Claim 1 is specifically addressed below; however, the arguments below also are relevant to the rejection of claims 11 and 23.

First, Hammack and Ito, alone or in combination, do not disclose “saving data as a plurality of *software components* at a server; converting the plurality of *software components* into a first string and a second string” (emphasis added), as recited in claim 1. To reject the claimed “saving data as a plurality of software components at a server,” the Action alleges that this “corresponds to the data stored in configuration database 100 in FIG. 4 of Hammack (col. 8, lines 47-50 of Hammack).” See Action, p. 6. To reject the claimed “converting the plurality of software components into a first string and a second string,” the Action alleges that the claimed first string “corresponds to the string of characters in FIG. 14 of Hammack,” which the Action alleges is “an XML file” (see Action, p. 7) and that the claimed second string “correspond[s] to the string that [is] stored in the version control database (col. 21, lines 40-43 of Hammack).” See Action, p. 7.

From the analysis presented in the Action, it is readily apparent that the Action is dissecting claim 1 into discrete claim elements without any relationship as to how the claim specifies that these claim elements interrelate. Specifically, the Office rejects the claimed “plurality of software components” appearing in claim 1, line 3 differently than how the Office

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rejects the claimed "plurality of software components" appearing in claim 1, line 4. To reject the claimed "saving data as a plurality of software components at a server," the Office relies on data stored at the configuration database 100 of Hammack. See Action, p. 4, *citing* Hammack, FIG. 4, col. 8, ll. 47-50. Hammack discloses that the configuration database 100 "stores data representative of the current configuration of [a] process" (emphasis added). See Hammack, col. 7, ll. 19-23.

Contrarily, when the claimed "software components" appear in the following line of the claim, the Office then relies on version control data stored at the version control and audit trail (VCAT) system 98, instead of the data representative of the current configuration of a process stored in the configuration database 100. See Action, p. 5, *citing* Hammack, FIG. 1, col. 21, ll. 40-43. Hammack discloses that the VCAT system 98 "cooperates with the configuration applications 96 to record and administer historical information regarding the configuration of the process." See Hammack, col. 7, ll. 13-19. This inconsistency in the rejection makes it immediately apparent that Hammack does not disclose the claimed saving and converting of "software components" because the Office has not shown that Hammack discloses both of these operations being performed on one of: (1) the "data representative of the current configuration of [a] process" stored at the configuration database 100 of Hammack or (2) the "historical information" stored at the VCAT system 98 of Hammack. Thus, the Office has not shown that Hammack discloses "saving data as a plurality of *software components* at a server" in combination with "converting the plurality of *software components* into a first string and a second string," as recited in claim 1. The Office does not rely on Ito for a disclosure of these claim features. Hence, because the Office has not shown that Hammack and Ito, alone or in

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combination, disclose all of the claim elements, the Office has not established a *prima facie* case of obviousness.

Second, Hammack and Ito, alone or in combination, do not disclose "transmitting the compressed first string and the compressed second string to a receiving server" in combination with "storing the compressed first string and the compressed second string in a relational database," as recited in claim 1. To reject these claim elements, the Action alleges that "Hammack teaches that the document is transmitted to the version control database." See Action, p. 7. It is unclear to what "document" the Action is referring. The Action does not include a citation to either Hammack or Ito to support this position. Clarification is respectfully requested. Nevertheless, based on the repeated citations to column 21, lines 40-43 in Hammack (see Action, p. 7), the Office appears to be arguing that this section of Hammack discloses the claimed transmitting and storing of a first string and of a second string. Applicants respectfully disagree.

In this paragraph, Hammack discloses:

To generate the textual information representative of the configuration version, the VCAT system 98 executes a routine that generally accesses the version control database 102 to export the pertinent data in a manner that can be translated into either a text- or graphical-based format. To this end, during a check-in operation, the VCAT system 98 stores a text-based representation of the version control data in a file in accordance with a markup language, such as XML (Extensible Markup Language). The text contained in the XML document that is generated at this point may be serialized into a single character string that is stored in the version control database 102. More particularly, in one embodiment, each versionable item may have a database record corresponding to each configuration version. In that case, each configuration version record has a field dedicated to having a single character string of XML text stored therein that represents the version control data associated with the configuration version. Preferably, these configuration version records make up one table of a plurality of tables in the *version control database 102, which, in this case, is a relational database*. The relational database may include other tables directed to storing the following: (1) whether each versionable item is deleted, the current version identifier, whether the item is currently checked out and, if applicable, to whom; and, (2) the audit trail information for each versionable item. See Hammack, col. 21, ll. 33-57; emphasis added.

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Thus, Hammack discloses: (1) the VCAT system 98 stores a text-based representation of the version control data in a file in accordance with a markup language, such as XML (Extensible Markup Language); and (2) the text contained in the XML document may be serialized into a single character string that is stored in the version control database 102, which may be a relational database.

Clearly this cited section of Hammack does not disclose that the VCAT system 98 transmits both (1) *the text-based representation of the version control data in a file in accordance XML* to the version control database 102 for storage in a relational database; and (2) the text contained in the XML document that is *serialized* into a single character string for storage in the relational database. Rather, the columns of Hammack cited in the Action only disclose that serialized text of an XML document, but not the text-based representation of the version control data in a file that is in accordance XML, is stored in the version control database 102. See Hammack, col. 21, 40-43. Hence, Hammack does not disclose “*transmitting* the compressed first string and the compressed second string *to a receiving server*” (emphasis added) in combination with “*storing* the compressed first string and the compressed second string *in a relational database*” (emphasis added), as recited in claim 1. The Office does not rely on Ito as disclosing these claim features. Accordingly, because the Office has not shown that Hammack and Ito, alone or in combination, disclose all of the claim elements, the Office has not established a *prima facie* case of obviousness. Thus, the rejection of claim 1 under 35 U.S.C. § 103(a) is improper and Applicants respectfully request that the rejection be withdrawn.

Therefore, claim 1 is in condition for allowance and allowance thereof is respectfully requested. Claims 2-5, 11-15, 21, and 23 are allowable for reasons analogous to those given in support of claim 1 and allowance thereof is respectfully requested.

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5. Response to the Rejection of Claims 6, 16, and 24

On page 8, the Action rejects claims 6, 16, and 24. Applicants respectfully traverse this rejection.

For at least the following reasons, the Action does not establish a *prima facie* case of obviousness to reject claims 6, 16, and 24 based on Hammack and Ito, alone or in combination, because the cited references do not disclose each and every claim element of these claims.

Claim 6 recites:

A method for retrieving data from a remote relational database, as requested by a user at a user location, the method comprising the steps of:

requesting data from a relational database through a requesting server;

retrieving a compressed first string and a compressed second string from a relational database;

transmitting the compressed first string and the compressed second string to the requesting server;

decompressing the compressed first string and the compressed second string;

converting the second string to an original plurality of software components wherein the second string represents a serialized string format of the plurality of software components comprising a string of characters;

determining whether the second string was converted;

converting the first string to an original plurality of software components if the second string was not converted, wherein the first string represents a markup language format that substantially mimics the software components; and

displaying the original plurality of software components via a user interface.

Claims 16 and 24 recite similar claim features. Claim 6 is specifically addressed below; however, the arguments below also are relevant to the rejection of claims 16 and 24.

Hammack and Ito, alone or in combination, do not disclose "*determining whether the second string was converted*" in combination with "*converting the first string to an original plurality of software components if the second string was not converted*," as recited in claim 6.

After thoroughly reviewing the Action, Applicants have been unable to identify where the Office addresses the above identified claim elements. To reject claim 6, the Action refers to the rejection of claim 1 and further cites FIG. 5 of Ito and FIGs. 2-4 of Hammack for the basis of the obviousness rejection under 35 U.S.C. §103(a). It is unclear how these cited features

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disclose the claimed "determining" and "converting." The Office previously associated the claimed first string with an XML file of version control data (see Action, p. 7), and the claimed second string with the serialized text of the XML document, (see Action, p. 7, Hammack, col. 21, ll. 40-43). It appears that the Office is alleging that Hammack disclose determining whether the serialized text of the XML document was converted in combination with converting the XML file to an original plurality of software components if the text of the serialized XML document was not converted. Applicants have been unable to find any support for this based on the cited columns of Hammack. Rather, it appears that the Action did not address these claim elements in the rejection. Applicants therefore submit that Hammack does not disclose any such features. Hence, Hammack does not disclose "determining whether the second string was converted" in combination with "converting the first string to an original plurality of software components if the second string was not converted," as recited in claim 6. The Office does not rely on Ito as disclosing these claim features. Accordingly, because the Office has not shown that Hammack and Ito, alone or in combination, disclose all of the claim elements, the Office has not established a *prima facie* case of obviousness to reject claim 6. Thus, the rejection of claim 6 under 35 U.S.C. § 103(a) is improper and Applicants respectfully request that the rejection be withdrawn.

Therefore, claim 6 is in condition for allowance and allowance thereof is respectfully requested. Claims 7-10, 16-20, 22, and 24 are allowable for reasons analogous to those given in support of claim 6 and allowance thereof is respectfully requested.

Therefore, all claims are believed to be in condition for allowance and allowance thereof is respectfully requested.

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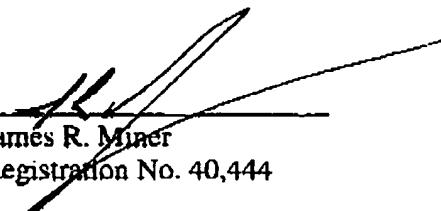
CONCLUSION

For at least the reasons outlined above, Applicants respectfully assert that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below. For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Date: January 29, 2007

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